

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BASSETT SEAMLESS GUTTERING,	)	
INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL NO. 1:05CV00184
	)	
GUTTERGUARD, LLC; GUTTERGUARD,	)	
INC. f/k/a GutterGuard of	)	
North Carolina, Inc.; DIXIE	)	
HEMLOCKERS, INC.; and	)	
K-GUARD, LLC,	)	
	)	
Defendants.	)	

O R D E R

BULLOCK, District Judge

For the reasons set forth in the memorandum opinion filed contemporaneously herewith, IT IS ORDERED that Defendant K-Guard, LLC's motion [Doc. #11] to dismiss Plaintiff's claims against it pursuant to Rule 12(b)(3), Federal Rules of Civil Procedure, is **GRANTED**, and all Plaintiff's claims against Defendant K-Guard, LLC are **DISMISSED** without prejudice. Defendant K-Guard, LLC's alternate motion [Doc. #11] to transfer pursuant to 28 U.S.C. § 1404(a) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's claims against the remaining Defendants GutterGuard, LLC, GutterGuard, Inc., f/k/a

GutterGuard of North Carolina, Inc., and Dixie Homecrafters, Inc., are **SEVERED** and will be retained in this court.

The Clerk is directed to schedule a prompt Rule 26(f), Federal Rules of Civil Procedure, discovery conference in this court for Plaintiff and the remaining Defendants.

January 20, 2006

  
United States District Judge